

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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REMARKSFinal Office Action Premature.


Claims 1-20 are pending in the application. The Final Office Action does not indicate why the Office Action was made Final.

A final rejection is proper on a second action, except where the examiner introduces a new ground of rejection not necessitated by amendment of the application by the applicant.¹ In the present case, Applicant's amendments of October 19, 2006 to claims 1, 2, 4, 9, 15, 16, 18, 19, and 20 were based on form to clarify the claims based on claim objections.

In the previous Office Actions, claims were rejected with various combinations of Applicant's Background Art, *Wilcox* (U.S. Patent No. 6,510,099), and *Askinazi* (U.S. Patent No. 4,453,211). In the present Final Office Action all of the rejected claims rely on a combination of references including *Muramatsu* (JP 59-183455). Thus, the present Final Office Action presents a new ground of rejection – and is therefore improper as a final ground for rejection. It is not believed that Applicant's amendments could have necessitated the new grounds of rejection, as only amendments for form were made.

For these reasons, it is respectfully requested that the finality of the last Office Action be reconsidered, and Applicant's be presented with the opportunity to address the new grounds of rejection.

Respectfully Submitted,

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¹ MPEP § 706.07(a).